



**U.S. Citizenship  
and Immigration  
Services**

**Non-Precedent Decision of the  
Administrative Appeals Office**

MATTER OF S-E- [REDACTED]

DATE: OCT. 30, 2018

APPEAL OF TEXAS SERVICE CENTER DECISION

PETITION: FORM I-140, IMMIGRANT PETITION FOR ALIEN WORKER

The Petitioner, a manufacturer of products designed to protect power grids, seeks to employ the Beneficiary as a lead software engineer. It requests his classification under the second-preference, immigrant category as a member of the professions holding an advanced degree. Immigration and Nationality Act (the Act) section 203(b)(2)(A), 8 U.S.C. § 1153(b)(2)(A). This employment-based, “EB-2” category allows a U.S. business to sponsor a foreign national for lawful permanent resident status to work in a job requiring at least a master’s degree, or a bachelor’s degree followed by five years of experience. .

The Director of the Texas Service Center denied the petition. The Director concluded that the Petitioner did not demonstrate its required ability to pay the position’s proffered wage.

On appeal, the Petitioner submits additional evidence and asserts that the Director disregarded proof of its ability to pay.

Contrary to the Director’s decision, the Petitioner submitted required evidence demonstrating its ability to pay the Beneficiary’s individual proffered wage, from the petition’s priority date of March 10, 2017, onward. *See* 8 C.F.R. § 204.5(g)(2). A preponderance of evidence also establishes the Petitioner’s ability to pay the combined proffered wages of this and its other petitions that were pending or approved as of March 10, 2017, or filed thereafter. *See Patel v. Johnson*, 2 F. Supp. 3d 108, 124 (D. Mass. 2014) (requiring a petitioner to demonstrate its ability to pay the combined proffered wages of multiple petitions).

**ORDER:** The appeal is sustained.

Cite as *Matter of S-E-* [REDACTED] ID# 1982047 (AAO Oct. 30, 2018)